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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,773	07/29/2000	Dr. Catherine Lin Hendel Ph.D.		3830

7590 02/04/2004
Jean-Marc Zimmerman
226 St. Paul Street
Westfield, NJ 07090

EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,773

Applicant(s)

SHENDEL PH.D., DR. CATHERINE
LIN

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to the Applicant's amendment A, paper number 4, filed October 20, 2003. Claim 9 has been cancelled. Claims 1-8 and 10-25 are pending and will be considered for examination.

Claim Objections

Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This claim is dependent on cancelled claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 and 10-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims make only nominal use of technology and are therefore not within the technological arts. *The claimed invention must utilize technology in a non-trivial manner (Ex parte Bowman, 61 USPQ2d, 1665,1671 (Bd. Pat. App. & Inter. 2001))*. Although Bowman is not precedential, it has been cited for its analysis.

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Claim R jections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, 16, 22, 23, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 16, 22, 23, and 25, these claims recite the term "selectively" which renders the claim indefinite. The term "selectively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Referring to claim 11, this claim is dependent on a cancelled claim. Therefore the scope of the claim is unclear to the Examiner. For examination purposes, the Examiner will assume that this claim is dependent on claim 1.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8, 10, 11, 15-18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471).

Referring to claims 1-4, 6, 8, 10, 11, and 25, Fisher teaches a system and method for an interactive, computer-assisted online auction, comprising:

- a personalized auction monitoring screen for monitoring objects selected by a bidder (column 6, lines 4-13, lines 46-67; column 8, lines 15-29);
- an access-bidding apparatus for submitting a bid for any one of the monitored objects (column 6, lines 21-38; column 7, lines 42-49; Figure 3);
- wherein the access-bidding apparatus includes detailed information about a respective monitored object (Figure 2);
- wherein the personalized auction monitoring screen is periodically and automatically updated with new status information (column 6, lines 46-67; column 8, lines 15-29);
- wherein the personalized auction monitoring screen for each selected object includes a textual description of the object and information regarding the status of the auction for the object as well as a bid submission box for the object (Figure 2; column 6, lines 46-67; column 8, lines 15-29).

Fisher does not teach at least one graphical array displayed on a display, each one graphical array including a plurality of objects from a category, wherein each object is individually selectable. However, Fisher does teach that a bidder must select an item from a catalog presented to the bidder over a computer network (column 6, line 14 – column 7, line 41). Moreover, Hill teaches a method and apparatus for presenting objects in a virtual catalog (i.e. an electronic catalog) wherein the objects are displayed

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in a graphical array on a display with the graphical array containing a plurality of still images of objects from a category, and wherein the graphical array can be scrolled bi-directionally to bring within view those objects previously not within view of the display (Figure 9, item "108"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hill into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to provide a person using Fisher's system and method with a convenient way of viewing and selecting a plurality of products, as taught by Hill. Fisher and Hill do not explicitly teach a plurality of graphical arrays. However, Hill teaches that one feature of his invention is "...the ability to select individual product items as they are displayed in images boxes and to move the selected product items to a separate review screen. This permits the customer to browse through multiple categories of items and move selected product items to a separate review screen for later inspection and side-by-side comparison..." (column 2, lines 24-30). In other words, Hill teaches that a user can browse through several categories of products and select a subset of products for side-by-side comparison. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a plurality of graphical arrays in the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a use to view a plurality of categories of products for selection and comparison.

Referring to claims 15 and 16, Hill teaches that the system includes controls enabling the user to control the speed and direction of scrolling of the graphical array

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(Figure 9, item "1.10"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to give the user greater control over which images were presented to the user.

Referring to claims 17 and 18, Hill teaches that the graphical array scrolls vertically on the display (Figure 9, item "108" and "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner. Hill does not explicitly disclose that the graphical array scrolls horizontally on the display. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to reconfigure the product image window of Hill so that it scrolled horizontally. Applicant has not disclosed that the horizontal scrolling provides an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with a vertical scrolling because the difference between vertical and horizontal scrolling is in presentation alone and does not affect the system. Therefore, it would have been obvious to one of ordinary skill in this art to modify the vertical scrolling of Hill to obtain the invention as specified in the claims and to incorporate it into the system of Fisher. One of ordinary skill in the art would have been motivated to do so in order to present the images of products in an aesthetically pleasing manner.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Official Notice.

Referring to claims 20-22, Fisher and Hill do not teach a visual or audible cue to alert the viewer of an occurrence wherein the occurrence is that a predetermined amount of time remains to submit a bid before the auction terminates. However, Official Notice is taken that it is old and well known in the art to use visual and audible cues. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate various cues into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to provide various forms of alerts to an event, as is well known in the art.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) and further in view of Anderson (US Patent 6,538,698 B1).

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach sorting the graphical arrays and objects according to different criteria. However, Anderson teaches a system for sorting images according to different criteria (column 5, line 6 – column 8, line 21). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to ease browsing access by providing a more efficient way of locating of an image or a group of images, as taught by Anderson.

Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Godin et al. (US Patent 5,890,138).

Referring to claims 12, 13, and 19, Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach a second graphical array that displays objects to be auctioned at a future time. However, as already noted above, Hill renders obvious the use of a plurality of graphical arrays. Furthermore, Godin teaches a computer auction system that allows users to view product categories and products which are to be auctioned in the future and have a timestamp indicating the time at which the objects will be available (column 3, lines 41-53). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the system and method of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to generate interest in particular products, as taught by Godin.

Referring to claim 14, Hill teaches that the system includes controls enabling a user to start and stop scrolling of a plurality of arrays (Figure 9, item "110"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system and method of Fisher. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view all of the products that did not fit on the display screen.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Burke (US Patent 6,026,377).

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach rotating three-dimensional objects on the display for three-dimensional viewing. However, Burke teaches rotating a three-dimensional object on a display for three-dimensional viewing (Figures 9, 10, and 11). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to allow a user to view a different side of a selected product, as taught by Burke (column 10, lines 22-44).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (US Patent 5,835,896) in view of Hill (US Patent 5,970,471) as applied to claim 1 above, and further in view of Hanson et al (US Patent 5,974,398)

Fisher and Hill teach or render obvious all the limitations of claim 1. Fisher and Hill do not teach a split screen for displaying broadcasts, narrow casts, and streaming video for viewing live auction events alongside three-dimensional objects. However, Hanson teaches a system that uses multimedia in an auction environment (column 8, lines 33-62). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hanson in the system of Fisher and Hill. One of ordinary skill in the art would have been motivated to do so in order to provide a user with advertisements of various products and services.

Respons to Arguments

Applicant's arguments with respect to the Examiner's rejection under 35 U.S.C 112, 2nd paragraph have been fully considered and are persuasive. The rejection is hereby withdrawn.

Applicant's arguments with respect to the Examiner's rejection under 35 USC 103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

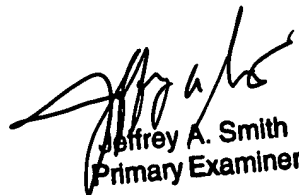
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, Patent Examiner
Art Unit 3625

January 20, 2003



Jeffrey A. Smith
Primary Examiner